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Country:

South Korea

Year:

2016

Press Freedom Status:

Partly Free

PFS Score:

33

Legal Environment:

10

Political Environment:

14

Economic Environment:

9

Overview

Threats to press freedom in South Korea's relatively robust media environment prompted civic protests in the country and raised concerns abroad in 2015. The administration of President Park Geun-hye continued its efforts to suppress criticism of its policies, invoking the National Security Law and a criminal ban on defamation. The government also introduced a series of regulatory measures that could curtail freedom of the press or expression, such as stricter requirements for registering an online newspaper and a provision allowing third parties to request the removal of defamatory internet content.

Key Developments

- The government deported a Korean-American writer in January on the grounds that she had praised North Korea in violation of the National Security Law.
- A Japanese journalist was acquitted of defaming President Park in December, but other criminal defamation cases against the media were still making their way through the courts.

Legal Environment: 10 / 30

Freedom of the press is guaranteed by the constitution and generally respected in practice, though Article 7 of the National Security Law prescribes imprisonment for praising or expressing sympathy for North Korea. In January 2015, the government deported Shin Eun-mi, a Korean-American author on a speaking tour in South Korea, based on the allegation that she had made sympathetic and supportive comments about North Korea in media appearances and online articles. Shortly after Shin's deportation, Hwang Sun, an activist and former opposition party member who had organized Shin's lectures, was arrested on charges of violating the National Security Law. The selective enforcement of the law in recent years remains a concern for working journalists.

Defamation is a criminal offense that carries sentences of up to seven years in prison, and reporters or commentators who criticize the government are occasionally threatened with or prosecuted on defamation charges. In October 2014, prosecutors indicted Tatsuya Kato, then the Seoul bureau chief of the Japanese newspaper *Sankei Shimbun*, on a charge of defaming President Park by citing rumors about the president's activities on the day of the *Sewol* ferry disaster, which killed about 300 people. In December 2015, the Seoul Central District Court acquitted Kato, ruling that he had engaged in a protected form of speech. At year's end, several other criminal defamation complaints filed by the Park administration against media outlets or journalists were pending.

The Act on Disclosure of Information by Public Agencies protects the right of citizens to access public information, which can be obtained online or in person. According to the act, government agencies must respond to requests within 15 days and are required to provide all requested public information, except when protected for reasons of national security. After taking office in early 2013, President Park announced an initiative called Government 3.0, which is aimed at transforming the country's system of information disclosure. South Korea submitted its first action plan in 2012 to the Open Government Partnership (OGP), an international initiative under which governments commit to increasing transparency and accountability to their citizens. In 2014, the OGP issued a letter of caution to the South Korean government for its failure to consult civil society when designing measures to provide citizens with access to information.

In November 2015, the cabinet approved an amendment to the enforcement decree of the Newspaper Act that applies stricter rules for registering an online newspaper. To secure registration, an outlet would have to have five or more reporting and editorial staff, up from three or more under the old rules. The change could force the closure of smaller online papers after a one-year grace period.

Political Environment: 14 / 40

Journalists have sometimes faced dismissal in recent years for alleging political bias on the part of their management or media owners, and the courts have not always provided remedies. At the end of 2015, 14 out of 20 journalists who had been fired by their employers for protesting government threats to press freedom during the Lee Myung-bak administration remained out of their newsrooms. A 2014 Supreme Court ruling upheld the

layoffs of three YTN journalists who led strikes against the promotion of a former Lee aide to serve as head of the cable news network in 2008.

The government's online content censorship has drawn substantial criticism from national and international freedom of expression organizations. In 2015, the Korea Communications Standards Commission (KCSC), an official body responsible for monitoring online content, requested corrective action on prohibited content in a total of 148,751 cases. This is an 11.9 percent increase over 2014 and almost three times more than in 2011. The censorship covers categories including pornography and gambling, as well as content deemed to threaten national security by praising North Korea or denouncing the South Korean or U.S. governments. In July 2015, the KCSC announced a regulation change that would permit third parties to request defamation reviews, in addition to the affected individuals and their representatives. This could allow the commission to remove content even if the purported victim does not consider it defamatory.

Nevertheless, South Korean online media remain vigorous and innovative. Aside from the ban on pro-North Korean content and blocks on access to North Korean websites, the internet is fairly unrestricted in practice.

Media outlets and journalists sometimes engage in self-censorship to avoid legal or professional repercussions, but cases of physical violence against or harassment of journalists are rare, and no cases were reported in 2015.

Economic Environment: 9 / 30

South Korea has a vibrant and diverse media sector, with numerous cable, terrestrial, and satellite television stations and more than 100 daily newspapers in Korean and English. South Korea boasts one of the world's highest internet penetration rates, at nearly 90 percent, and most users have access to affordable high-speed connections. A significant number of residents obtain news exclusively from online sources.

Many newspapers are controlled by large industrial conglomerates and depend on major corporations for their advertising revenue. The television and radio sectors feature both public and private outlets. Five new cable television channels—four general-programming stations and one all-news channel—were launched in 2011 after the government revised a set of media laws to allow investment by conglomerates and newspaper companies in the broadcasting sector. These new channels have eroded the market dominance of the three major private networks—Korean Broadcasting System (KBS), Munhwa Broadcasting Corporation (MBC), and Seoul Broadcasting System (SBS)—which previously held exclusive rights to offer general programming, including news. Foreign media sources are widely accessible, with the exception of news from North Korea, which remains severely restricted.

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